



DEPARTMENT OF THE ARMY
U.S. ARMY ENVIRONMENTAL CENTER
CENTRAL REGIONAL ENVIRONMENTAL OFFICE
647 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

February 7, 2006

Army Central Region Environmental Office

Re: Risk-Based Corrective Action (RBCA) Technical Guidance

Ms. Linda Vogt
Hazardous Waste Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Ms. Vogt:

I am writing to you concerning the draft Risk-Based Corrective Action (RBCA) Technical Guidance. As the Department of Defense, Regional Environmental Coordinator for Federal Region VII, which includes the State of Missouri, I appreciate the opportunity to provide comments to this important matter. As you are aware, Mr. Stanley Rasmussen, Regional Counsel for my office has been attending some of the workgroup meetings and has had an opportunity to review the guidance document.

Based on a review by staff from our office and the Army Environmental Center, I would like to make the following two comments. The first comment concerns the use of Activity and Use Limitations (AULs) on federal property and the second comment concerns the toxicity values proposed for perchlorate.

Comment 1 – AULs on Federal Property

The U.S. General Services Administration (GSA) has authority to convey federal property interests. Under that authority, GSA generally prohibits the use of environmental covenants on federal properties, but may allow environmental covenants to be placed on property at the time of transfer to a nonfederal entity or person. Because this limitation would likely preclude the use of these RBCA guidelines at any active federal installation, I request that you add the following language to the guidance so that federal agencies may avail themselves of this program.

In Section 11.3 (see RBCA Technical Guidance page 11-3) add as No. 5 on the list of AUL instruments:

The following instruments may be AULs and may be described in the Letter of Completion:

1. Environmental Covenants,
2. Engineered Controls,
3. Well Location and Construction Restrictions, and
4. Department-accepted ordinances adopted and administered by a unit of local government.
5. ***Land use and/or institutional control mechanisms for federal facilities or property.***

After Section 11.3.4 (see RBCA Technical Guidance page 11-7) incorporate as a new section 11.3.5:

11.3.5 An environmental covenant shall not be required for property owned by the federal government until such time that such property is transferred to a nonfederal entity or person. For property owned by the federal government, other land use and/or institutional control mechanisms may be used as part of the federal Risk Management Plan or other appropriate remedial documentation, such as: corrective action decisions, statements of basis or similar decisions, whether formalized in a permit, consent decree, order, or similar enforceable mechanism, issued pursuant to the Solid Waste Disposal Act (42 USC §§ 6901 et. seq.), to include any Missouri solid and hazardous waste laws. Other acceptable land use and/or institutional control mechanisms may include, but are not limited to, specific use and activity restrictions or conditions incorporated into base master plans, real property master plans, federal facility master land use plans, federal facility construction review and approval procedures, federal facility dig and ground disturbing activity review and approval procedures, federal facility environmental impact analysis procedures, and/or physical controls such as fences and signs.

Comment 2 – Perchlorate Toxicity Values

In the January 2006 revisions to the RBCA Technical Guidance, perchlorate was added to the following Appendix E Tables:

- Table E-1 Toxicity Values of Chemicals
- Table E-2 Parameters for Dermal Contact Pathway
- Table E-3 Physical and Chemical Properties of Chemicals

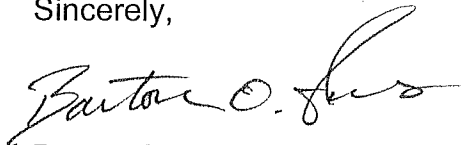
While the addition of perchlorate is supported by our office, we have the following two comments:

- Table E-1 Toxicity Values of Chemicals -- In the Reference Dose (RfD) column, this table provides an Inhalation RfD for perchlorate of $7.0\text{E-}04$ and indicates that this value was missing and was therefore defaulted to be equal to a value for another route of exposure. Because route-to-route extrapolation is toxicologically inappropriate, we feel it is inappropriate to identify an inhalation value for perchlorate. Like most metals and other nonvolatile constituents, such as salts, the inhalation value for perchlorate should be left blank.
- Table E-3 Physical and Chemical Properties of Chemicals – This table identifies the perchlorate water solubility value as NA. Given that perchlorate is a salt and is very water soluble, it is recommended that the US EPA's water solubility factor of $2.0\text{E+}5$ be inserted on this table in place of value NA.

The Department of Defense appreciates the opportunity to work with the Missouri Department of Natural Resources, and compliments you on the thorough and professional way the DNR staff has worked with the various stakeholders throughout this process.

If you have any questions concerning the comments provided in this letter, please feel free to contact me by telephone at (816) 983-3548, or e-mail at barton.ives@us.army.mil or Mr. Stanley Rasmussen at (816) 983-3448, or e-mail at stanley.rasmussen@us.army.mil. I thank you for the opportunity to comment on these guidelines and would appreciate it if you would share this letter with members of the workgroup.

Sincerely,



Barton O. Ives
DoD Regional Environmental Coordinator
Region VII